

Plant Protection and Quarantine. Plant Protection and Quarantine, Animal and Plant Health Inspection Service, United States Department of Agriculture.

Quarantined area. Any State, or any portion of a State, listed in §301.98-3(c) of this subpart or otherwise designated as a quarantined area in accordance with §301.98-3(b) of this subpart.

Regulated article. Any article listed in §301.98-2 or otherwise designated as a regulated article in accordance with §301.98-2(d).

State. The District of Columbia, Puerto Rico, the Northern Mariana Islands, or any State, territory, or possession of the United States.

West Indian fruit fly. The insect known as the West Indian fruit fly, *Anastrepha obliqua* (Macquart), in any stage of development.

[66 FR 6433, Jan. 22, 2001; 66 FR 20186, Apr. 20, 2001]

§301.98-2 Regulated articles.

The following are regulated articles:

(a) West Indian fruit flies.²

(b)(1) The following fruits and vegetables:

Barbados cherry (*Malpighia glabra*)

Carambola (*Averrhoa carambola*)

Granadilla, giant (*Passiflora quadrangularis*)

Guava (*Psidium guajava*)

Guava, strawberry (*Psidium littorale*)

Hog-plum (*Spondias mombin*)

Japanese plum (*Prunus salicina*)

Jew plum (*Spondias cytherea*)

Ketembilla (*Dovyalis hebecarpa*)

Loquat (*Eriobotrya japonica*)

Malay-apple (*Syzygium malaccense*)

Mango (*Mangifera indica*)

Passion fruit (*Passiflora edulis*)

Peach (*Prunus persica*)

Pear (*Pyrus communis*)

Ramón (*Brosimum alicastrum*)

Red mombin (*Spondias purpurea*)

Rose-apple (*Syzygium jambos*)

Sapodilla (*Manilkara zapota*)

Sapote (*Diospyros* spp.)

(2) Any fruits or vegetables that are canned or dried or frozen below -17.8 °C. (0 °F.) are not regulated articles.

²Permit and other requirements for the interstate movement of West Indian fruit flies are contained in part 330 of this chapter.

(c) Soil within the dripline of plants that are producing or have produced the fruits or vegetables listed in paragraph (b) of this section.

(d) Any other product, article, or means of conveyance not listed in paragraphs (a) through (c) of this section that an inspector determines presents a risk of spreading the West Indian fruit fly, when the inspector notifies the person in possession of the product, article, or means of conveyance that it is subject to the restrictions of this subpart.

[66 FR 6433, Jan. 22, 2001, as amended at 70 FR 21326, Apr. 26, 2005]

§301.98-3 Quarantined areas.

(a) Except as otherwise provided in paragraph (b) of this section, the Administrator will list as a quarantined area in paragraph (c) of this section each State, or each portion of a State, in which the West Indian fruit fly has been found by an inspector, in which the Administrator has reason to believe that the West Indian fruit fly is present, or that the Administrator considers necessary to quarantine because of its inseparability for quarantine enforcement purposes from localities in which the West Indian fruit fly has been found. Less than an entire State will be designated as a quarantined area only if the Administrator determines that:

(1) The State has adopted and is enforcing restrictions on the intrastate movement of the regulated articles that are substantially the same as those imposed by this subpart on the interstate movement of regulated articles; and

(2) The designation of less than the entire State as a quarantined area will prevent the interstate spread of the West Indian fruit fly.

(b) The Administrator or an inspector may temporarily designate any nonquarantined area in a State as a quarantined area in accordance with paragraph (a) of this section. The Administrator will give a copy of this regulation along with a written notice for the temporary designation to the owner or person in possession of the nonquarantined area. Thereafter, the interstate movement of any regulated